

Maintenance between spouses, maintenance between former spouses, maintenance between civil partners

Abstract

The diploma thesis deals with maintenance between spouses during marriage and after divorce and maintenance between civil partners.

The maintenance duty and right for maintenance is recently a discussed topic, particularly due to high divorce rate. It is not a novelty that a divorce of a marriage or termination of a civil partnership strongly influences all of the partaking not only emotionally, but also economically. Exactly in these cases, the law provides a protection to the economically weak members of a family in a form of maintenance institutes. The biggest attention is usually dedicated to the maintenance and support of a minor. The other kinds of maintenance are not mentioned very often.

The aim of this work is to analyse current legal regulation of the above mentioned institutes in the Czech legal order and compare it to the already repealed Family Act. After the recent Civil Law recodification, most of the relevant provisions were integrated to The Civil Code. Nevertheless, its content was not fundamentally changed.

The thesis is basically divided into four main parts. The first and the most important part deals with the substantive regulations of all the above mentioned institutes. It tries to define them, closer characterize and devote to related issues. According to the fact that the claims arising from these institutes have to be often enforced judicially, the following part of this work discusses proceedings for the maintenance, with the specialization for the element of a petition and subsequent producing evidence. In continuity of the chapter of legal proceedings, the third part of this work deals with analytical evaluation of statistical figures. These figures are about the number of proceedings closed upon a final judgement of individual kinds of maintenance. It focuses on the causes, which lead to these numbers. The final part delineates of the foreign legal regulation, concretely in Germany and the Slovakia. These two neighbouring states were chosen due to the assumption that marriages and civil partnerships would often be nationally-mixed entered.